

Doc Code: AP.PRE.REQ

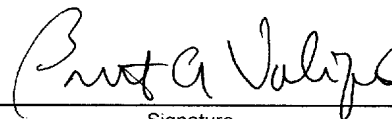
PTO/SB/33 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number	Filed
		10/527,507	January 9, 2006
		First Named Inventor	
		Christoph Nemmaier et al	
		Art Unit	Examiner
		2444	Ninos J. Donabed
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 27,841 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			



Signature

Brett A. Valiquet

Typed or printed name

312-258-5786

Telephone number

September 28, 2009

Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

REASONS FOR REVIEW – PRE-APPEAL BRIEF

APPLICANT(S):	Nemmaier et al	CONFIRMATION NO. 9934
SERIAL NO.:	10/527,507	GROUP ART UNIT: 2444
FILED:	January 9, 2006	EXAMINER: Ninos J. Donabed
TITLE:	ACCESS TO DATA OBJECTS WITH THE AID OF NETWORK ADDRESSES ASSOCIATED WITH THE DATA OBJECTS (As Amended)	

Commissioner For Patents
P. O. Box 1450
Alexandria, VA. 22313-1450

S I R:

Appellants refer to and hereby incorporate the response to Final Office Action filed August 20, 2009.

In the Advisory Action dated September 14, in response to Appellants' assertion that Barnard does not teach a first and second control unit inside the printer, the Examiner points to column 8, line 21 to column 9, lines 11 and column 20, line 55 to column 21, line 15. Column 8, beginning at line 21 and column 9 of Barnard, refers to Figure 4 disclosing a DH CP server 75, a web service 76, a print server 77, and an SNMP agent 78. But none of these devices is in the printer as required by claim 46. Rather; they are external to the printer. Therefore these disclosures are not relevant.

Next, column 8 refers to Figure 8 which is a block diagram explaining software modules 56. But these modules, just like the servers shown in Figure 4, are external to the printer. The DHCP module is used to detect printing devices. The virtual device module 81 is initiated in correspondence to one or more printing devices to extend functional capability of the printing device. The discovery module 84 is used

to perform discovery on detected printing devices. The print queue manager module 85 allows multiple network management devices on a same network to avoid confusion regarding detection and discovery of printing devices. But none of these modules are first and second control units in the printer as required by claim 46. Therefore these disclosures are not relevant.

As to the column 20 beginning at line 55 discussing network management devices 142, 141, 20, 144, and 145, these are all external to the printer and have nothing to do with first and second control units in the printer as recited in claim 46. These disclosures are thus also not relevant.

In reply to Appellants' argument that Aschenbrenner does not teach a data object comprising a parameter for control of the printer or copier where that parameter is not controllable from the control panel of the printer, the Examiner cites column 2, lines 4-50 of Aschenbrenner as teaching data objects which control the printer since when these objects are sent to the printer and arrive there the printer is controlled by these objects and prints. But the objects referenced by the Examiner in Aschenbrenner at column 2 are raster objects. As explained at column 2, line 28, each raster object includes pixel information for a color component of the scan line printed by the printer. But pixel information for printing is clearly not a parameter for control of the printer as required by claim 46. Rather it is picture data and picture data is not a parameter for controlling the printer. Secondly, note that claim 46 recites a method for maintenance, adjustment, or error analysis of the control parameter via the control panel. But there is no maintenance, adjustment, or error analysis of pixel information performed by an external data processing unit and which accesses the printer or copier via an interface. Aschenbrenner is not relevant since it does not deal with maintenance, adjustment, or error analysis of a parameter

for control of the printer as recited in claim 46. This preamble language must be interpreted and given weight because it refers to the data objects also recited later in the body of the claim. Also note that at the last paragraph of claim 46 it is recited that the association of the third identifier as a third network address with the at least one data object enables a simplified direct access to the at least one data object (comprising a parameter for control of the printer) by said external control unit for said at least one of maintenance, adjustment, or error analysis of said at least one data object. Thus the maintenance, adjustment, or error analysis of the control parameters is also recited at the end of the claim and thus must be given weight. Aschenbrenner never discusses any maintenance, adjustment, or error analysis of his raster objects comprising pixel information (which is not even a control parameter).

Also since Aschenbrenner, just like Barnard, never teaches first and second control units in a printer as required by claim 46, it is not possible that the combination of these two references could suggest that language in claim 46.

Finally, there is no disclosure in either Barnard or Aschenbrenner that the control parameter controlling the printer is not controllable from the control panel of the printer as required by claim 46. Barnard does not even reference a control parameter and Aschenbrenner, in discussing the raster objects, nowhere discloses that these raster objects are not controllable from the control panel.

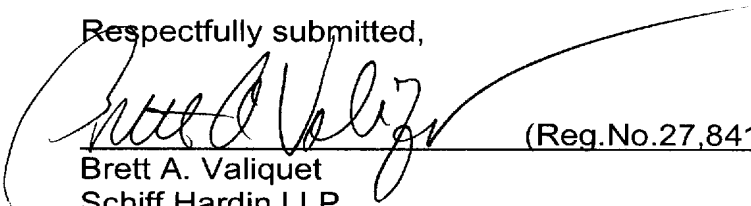
Reconsideration of the rejection of claim 46 is thus respectfully requested in view of the factual errors noted above in the Examiner's analysis.

Dependent claims 47-58 and 60 distinguish at least for the reasons noted with respect to claim 46.

System claim 61 distinguishes for the reasons noted with respect to method claim 46.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett A. Valiquet", is written over a horizontal line. To the right of the signature, the text "(Reg.No.27,841)" is printed.

(Reg.No.27,841)

Brett A. Valiquet
Schiff Hardin LLP
Patent Department
Suite 6600
Chicago, Illinois 60606
Telephone: (312) 258-5786
Attorneys for Applicants.
CUSTOMER NO. 26574

CH2\7604874.1